

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. <u>CR-24-125-JD</u>
)	
OLUKAYODE ADURAGBENRO OJO,)	
)	
Defendant.)	

**UNITED STATES' NOTICE OF INTENT TO INTRODUCE
EXPERT TESTIMONY PURSUANT TO FEDERAL RULE OF CRIMINAL
PROCEDURE 16(a)(1)(G)**

Pursuant to Federal Rules of Evidence 701, 702, and 703, and Federal Rule of Criminal Procedure 16(a)(1)(G), the United States hereby provides notice of its intent at trial to elicit the testimony of Dr. David M. O'Brien of the Federal Aviation Administration (FAA). A copy of Dr. O'Brien's CV is attached as Exhibit 1.

The government will call David M. O'Brien, MD, MPH, FAsMA, FACOEM, as an expert witness in its case-in-chief. Dr. O'Brien is a Division Manager in the Aerospace Medical Certification Division for the FAA. During his testimony, he will provide information concerning the significance, structure, formation, and importance of the Medical Certification process and the FAA Form 8500-8. Dr. O'Brien will testify as to the process through which pilots apply for FAA Medical Certificates, including as to the FAA's MedXPress system, the online platform for submitting applications. Dr. O'Brien will testify as to the importance of the criminal history disclosures on the FAA Form 8500-8 and how the FAA Medical Certification Division evaluates and responds to such disclosures.

Dr. O'Brien will also testify about FAA pilot examinations, which are performed by FAA-certified Aviation Medical Examiners (AME) after a FAA Form 8500-8 is submitted. In relation to these examinations, Dr. O'Brien will discuss what they are, what is required, how they are to be administered, the responsibilities of the AME doctors performing the examinations, and the responsibilities of the pilots undergoing the examinations.

Dr. O'Brien has testified as an expert in one trial in the previous four years: *United States v. Angel*, 5:22-cr-153-DCJ-MLH (W.D. La.). Dr. O'Brien co-authored a chapter in *Fundamentals of Aerospace Medicine* (5th edition) published in 2022 by Wolters Kluwer, Chapter 32, Aeromedical Transport.

Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G)(v), Dr. O'Brien has approved and signed this disclosure. *See* Attachment A.

The government respectfully requests the opportunity to submit additional or supplemental briefing should it become necessary.

Respectfully submitted,

ROBERT J. TROESTER
United States Attorney

s/Jackson D. Eldridge
Assistant U.S. Attorney
New York Bar Number 5231402
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8700 (Office)
(405) 553-8888 (Fax)
Jackson.eldridge@usdoj.gov

ATTACHMENT A

ATTESTATION OF DR. DAVID M. O'BRIEN

I attest that the United States' foregoing Notice of Intent to Introduce Expert Testimony is true and correct, and I hereby approve of the same.

DAVID M O'BRIEN Digitally signed by DAVID M O'BRIEN
Date: 2024.07.30 15:01:15 -05'00'

David M. O'Brien, MD, MPH,
FAsMA, FACOEM
Aviation Safety
Office of Aerospace Medicine
Civil Aerospace Medical Institute
Manager, Aerospace Medical
Certification Division

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant: Ronald C. Jones, II, counsel for Defendant.

s/Jackson D. Eldridge
Assistant United States Attorney